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Docket No.: F19-97-205US2  
(20136-00318-US)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Cyprian E. Uzoh et al.

Application No.: 09/611,955

Confirmation No.: 6678

Filed: July 6, 2000

Art Unit: 2818

For: METHOD TO SELECTIVELY FILL  
RECESSES WITH CONDUCTIVE METAL

Examiner: H. K. Vu

**REPLY BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Primary Examiner's position that the Appeal Brief filed November 25, 2003 is not acceptable based upon the objection to the amendment to the specification under 35 U.S.C. §132 and objection to claim 25 being petitionable rather than being appealable.

The Appeal Brief filed on November 25, 2003 is proper since the objection to the specification under 35 U.S.C. §132 and the objection to claim 25 as containing new matter in the recitation "recesses located in at least one major surface of the semiconductor substrate" actually involve denial of claims 25 and 31-32 because of asserted material deficiency in the disclosure and are related to the merits of the patentability of these claims.

Accordingly, the above objections to the specification and to claims 25, 31 and 32 are appealable. See MPEP 1201.

Nevertheless, in an abundance of caution, Applicants have also filed a Petition to the Commissioner.


**Conclusion**

In view of the above and the Appeal Brief, it is abundantly clear that the Primary Examiner erred in finally rejecting claims 25-32. It is therefore respectfully requested that the Board reverse the Examiner and allow claims 25-32.

The Director is hereby authorized to charge any fees, or credit any overpayment associated with this communication, including any extension fees, to Deposit Account No. 09-0458, under Order No. 20136-00318-US from which the undersigned is authorized to draw.

Dated: June 2, 2004

Respectfully submitted,

By   
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